



W.P.No.33337 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 33337 of 2023
and
W.M.P.No.33065 of 2023

S.Govindammal

... Petitioner

versus

1. The District Collector of Villupuram,
Collectorate, Villupuram.
2. The Sub Collector of Villupuram District,
Office of the Sub Collector's Office,
Tindivanam, Villupuram District.
3. The Zonal Deputy Tahsildar,
Gingee Taluk, Villupuram District.
4. The Revenue Tahsildar, Taluk Office,
Gingee, Gingee Taluk, Villupuram District.

5. B. Manikandan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the third respondent pertaining to the order dated 30.05.2023 made in Na.Ka.No.A1/3075/2022

Pg.Nos.1/7



W.P.No.33337 of 2023

of the third respondent herein, quash the same.

WEB COPY

For Petitioner : Mr.T.Dhanasekaran
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R4

Mr.D.Gopinathan for R5

ORDER

This writ petition has been filed to quash the impugned order in Na.Ka.No.A1/3075/2022 dated 30.05.2023 on the file of the third respondent herein.

2. The case of the petitioner is that originally the petitioner's father is the absolute owner of the subject properties. After the demise of the petitioner's father, the subject properties were inherited to the petitioner's mother Pattammal. One Kulasekara Gounder, who is the grandfather of the fifth respondent herein filed a suit in O.S.No.88 of 1984 on the file of the District Munsif Court, Gingee for declaration in respect of the subject properties herein against the petitioner's mother and the same was dismissed. Challenging the same, an appeal in A.S.No.109 of 1991 was filed

Pg.Nos.2/7



W.P.No.33337 of 2023

and the same was dismissed. Thereafter, the petitioner has got transfer of Patta in respect of the subject properties, after the demise of her parents.

However, the fifth respondent taking steps to change the Patta in respect of the subject properties, the petitioner gave a representation to the respondents, seeking not to change Patta in respect of the subject properties, without issuing prior notice to the petitioner. Since there was no response, the petitioner filed W.P.No.27232 of 2013 and this Court dismissed the petition. While that being so, the fifth respondent and his father made a representation to the respondents for change of Patta in respect of the subject properties and thereby, the third respondent issued enquiry proceedings, challenging the same, the petitioner and her husband filed W.P.No.29648 of 2022 and this Court by order dated 09.11.2022 dismissed the writ petition by giving liberty to the petitioner to file appropriate objections before the third respondent/Deputy Tahsildar. Thereafter, the third respondent conducted an enquiry, however, based on the objections raised by the fifth respondent herein and his father, the third respondent passed an impugned order dated 30.05.2023 and wrongly recommended the second respondent herein to change Patta No.173 from



W.P.No.33337 of 2023

the name of the petitioner's mother (Pattammal) to the name of the Commissioner, Panchayat Union, Vallam for the lands measuring an extent of 0.06.5 ares in S.No.17/6B3A and to change Patta Nos.16 and 522 for the lands measuring 0.26.5 ares, comprised in S.No.17/6B1 and measuring to an extent of 0.88.0 ares, comprised in S.No.17/6B3B to the name of one Kulasekaran or their legal heirs. Aggrieved by the said order, the petitioner filed an appeal before respondents 1 and 2 herein, thereby, the petitioner was called for enquiry on 13.10.2023 and she has also participated in the enquiry and submitted a detailed representation. Apprehending that based on the report of the third respondent dated 30.05.2023, the second respondent may change/cancel the Pattas in her name, the petitioner is constrained to file the present writ petition.

3. The learned Additional Government Pleader appearing for respondents 1 to 4 submitted that the petitioner has already filed an appeal before the second respondent by challenging the order of the third respondent dated 30.05.2023 and the same is pending.



W.P.No.33337 of 2023

WEB COPY

4. Heard both sides and perused the materials available on record.

5. On a perusal of the records, it is seen that in the affidavit filed in support of this writ petition, the petitioner herself admitted that she has already preferred an appeal, participated in the enquiry and submitted all the documents. However, only on apprehension she has filed the present writ petition, as the second respondent may change/cancel the Pattas in respect of the subject properties based on recommendations of the third respondent.

6. Once, the petitioner filed an appeal by invoking the appeal remedy and also participated in the enquiry, without any substance, merely on apprehension, she cannot invoke the writ jurisdiction. Therefore, this writ petition is not maintainable.

7. However, the second respondent/Sub Collector Villupuram District is directed to dispose of the appeal on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and the fifth respondent herein as well as rival claimants/interested parties if any, within a



W.P.No.33337 of 2023

period of four weeks from the date of receipt of a copy of this order.

WEB COPY

8. In view of the above, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.03.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

To

1. The District Collector of Villupuram,
Collectorate, Villupuram.
2. The Sub Collector of Villupuram District,
Office of the Sub Collector's Office,
Tindivanam, Villupuram District.
3. The Zonal Deputy Tahsildar,
Gingee Taluk, Villupuram District.
4. The Revenue Tahsildar, Taluk Office,
Gingee, Gingee Taluk,
Villupuram District.

Pg.Nos.6/7



WEB COPY



W.P.No.33337 of 2023

P.VELMURUGAN, J.
ms

W.P.No.33337 of 2023

01.03.2024

Pg.Nos.7/7